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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,592	04/14/2000	Yoshiki Shiraishi	Q58859	8442

7590 01/02/2004

SUGHRUE MION ZINN MACPEAK & SEAS PLLC  
2100 Pennsylvania Avenue N W  
Washington, DC 20037

EXAMINER
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FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/549,592

Applicant(s)

SHIRAISHI ET AL.

Examiner

James A. Fletcher

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Mori et al (6,208,802).

**Regarding claim 1**, Mori et al disclose an information reproducing apparatus which plays back an information medium in which at least image information and control information to control a playback form of the image information are recorded (Col 2, lines 9-18 "a reproduction apparatus for reproducing an optical disk, the optical disk including a data region and a management region, the data region storing: at least one audio object containing audio information; and at least one video object containing video information and audio information, wherein the management region stores a plurality of

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first management information units for managing progress of reproduction of the at least one audio object and a plurality of second management information units for managing progress of reproduction of the at least one video object”), comprising:

- control means for playing back and controlling the image information in a display form according to the control information, and for reporting the playback control state, when the control information is detected at the time of playback on the information medium (Col 20, lines 57-60 “the reproduction mode determination section 93d determines whether the reproduction mode is a video-oriented reproduction mode or an audio-oriented reproduction mode”).

**Regarding claim 2,** Mori et al disclose an information reproducing apparatus wherein the control means stops the playback of the image information and reports the playback control state when the detected control information is information to stop the playback (Col 21, lines 6-14 “if the liquid crystal display panel is in the open state, the reproduction mode may be switched to a video-oriented reproduction mode; conversely, if the liquid crystal display panel is in the closed state, the reproduction mode may be switched to an audio-oriented reproduction mode. Such control can be achieved by inputting a control signal indicating the open or closed state of the liquid crystal display panel to the reproduction mode determination section 93d so as to allow the reproduction mode determination section 93d to operate in response to that control signal”).

**Regarding claim 3,** Mori et al disclose an information reproducing apparatus wherein the control means is provided with storing means for previously storing report data to report the playback control state (Col 20, lines 47-49 "a code representing a video-oriented reproduction mode is retained in a reproduction mode retention section within the system control section"), and reports according to the report data corresponding to the control information (Col 20, lines 57-61 "the reproduction mode determination section 93d determines whether the reproduction mode is a video-oriented reproduction mode or an audio-oriented reproduction mode by referring to the mode retained in the reproduction mode retention section").

**Regarding claim 4,** Mori et al disclose an information reproducing apparatus wherein the control information has at least any one piece of information of playback stop, still image play back, and automatic play back start of the image information (Col 20, lines 47-49 "a code representing a video-oriented reproduction mode is retained in a reproduction mode retention section").

**Regarding claim 6,** Mori et al disclose an information reproducing apparatus wherein the control means is provided with detection means for detecting whether a car is stopped or not, and when the detection means detects the state of on-traveling of the car, the control means inhibits the playback display of the image information, and reports the playback control state (Col 21, lines 41-44 "in the case where the disk reproduction apparatus is a device to be mounted in an automobile, the reproduction mode may be automatically switched in accordance with the state of motion of the automobile").

**Regarding claim 7**, Mori et al disclose an information reproducing apparatus wherein the information reproducing apparatus is provided with information medium playback means and speed detection means for detecting the present speed of the car (Col 20, lines 49-51 "a control signal indicating the state of motion of the automobile"), and when the detection means detects the start of on-traveling of the car, the information reproducing apparatus displays and controls the information of the speed detection means, and reports the playback control state (Col 20, lines 44-53 "For example, if the automobile is not moving, the reproduction mode may be switched to a video-oriented reproduction mode; conversely, if the automobile is moving, the reproduction mode may be switched to an audio-oriented reproduction mode").

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al as applied to claim 1 above.

**Regarding claim 5**, Mori et al suggest an information reproducing apparatus wherein information is displayed in a display form of a superimposition display (Fig 5, displaying an on-screen menu), but do not specifically disclose the play back control state being displayed on the viewing screen.

The examiner takes official notice that the use of on-screen status displays, including the state of playback, are notoriously well-known means of informing the user of the playback control mode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user with a superimposed display of the playback control state.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

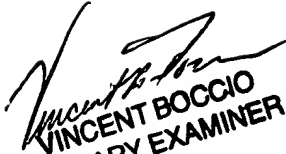
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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JAF  
December 29, 2003

  
VINCENT BOCCIO  
PRIMARY EXAMINER